

Application No. 09/772,767  
Response to Office Action dated 12/15/05  
Atty. Docket No. 201512-0009

# BEST AVAILABLE COPY

## Remarks

As amended, Claims 27 and 28 are pending in the Pending Application. Claims 1-26 have been cancelled. Claims 27 and 28 have been added and are supported by the Pending Application, including the drawings and claims, as filed. No new matter has been added. Claims 10-26 stand rejected.

### A. Rejection of Claims 10-21

The Examiner has rejected Claims 10-21 under 35 U.S.C. §102(e) as being anticipated by U.S. published application no. 2002/0046178 ("Morito"). Claims 10-21 have been canceled. It is therefore respectfully requested that the rejection be withdrawn.

### B. Rejection of Claim 22

The Examiner has rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Morito in view of U.S. patent no. 6,571,220 ("Ogino"). Claim 22-26 have been cancelled. It is therefore respectfully requested that the rejection be withdrawn.

### C. Rejection of Claims 23 and 24

The Examiner has rejected Claims 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over Morito in view of U.S. published patent application no. 2003/0206632 ("Itoh"). Claims 23 and 24 have been cancelled. It is therefore respectfully requested that this rejection be withdrawn.

### D. Rejection of Claims 25 and 26

The Examiner has rejected Claims 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Morito in view of U.S. patent no. 6,571,055 ("Sawabe"). Claims 25 and 26 have been cancelled. It is therefore respectfully requested that this rejection be withdrawn.

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### E. New Claims 27 and 28

New Claims 27 and 28 are not anticipated or made obvious by the references cited by the Examiner because the cited references do not, alone or in combination, teach all the limitations recited in Claims 27 and 28. Specifically, Morito does not teach a controller configured to enable a plurality of recording apparatuses to simultaneously record data decoded from a digital broadcast when a copy control code (also decoded from the digital broadcast) indicates permission to copy only once.

A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently in a single prior art reference. *MPEP* §2131; *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Similarly, a claim is made obvious only if every limitation of the claim is taught by the cited references. *MPEP* § 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Morito teaches a system that prevents unauthorized copying of digital data. [Morito, para. 1]. The system includes a transmission apparatus 20 that embeds time information into a compressed data stream (using time information signal embedding module 23) and transmits the data and embedded time information via a digital satellite broadcasting system [Morito, para. 41]. After the data and embedded time information has been received and decoded it is fed to the in-line terminal of a recording apparatus so that it may be recorded. [Morito, Figure 6 and para. 46]. The recording apparatus 30 includes a time information signal detection module 33 that detects the time information embedded in the received signal, and a time information comparison module 34, which determines the difference between the embedded time and the time of recording. If the difference is less than or equal to a predetermined value, it is assumed that the attempted recording is contemporaneous with the broadcast and the recording is permitted. [Morito, para. 47]. If, however, the difference is greater than a predetermined value, it is assumed that an unauthorized copying is being attempted and recording is prohibited. [Morito, para. 48].

When used with a copy control signal, the time stamp permits the recording apparatus 50 [Morito, Figure 9] to record a broadcast if the copy control signal is a "copy-free" signal, or if the copy control signal is a "copy-once" signal and the difference between the embedded time

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and the time of the attempted recording is less than or equal to a predetermined value. [*Morito*, Figure 10, para. 57-59].

*Morito* does not contain any teaching that multiple recording apparatuses can be enabled to simultaneously record a decoded broadcast when the copy control signal included in the broadcast indicates permission to record the broadcast only once (a “copy-once” signal). In fact, *Morito* specifically teaches a system designed to prevent unauthorized copying of digital data, by allowing a digital broadcast signal containing a “copy-once” signal to be copied only once.

Further, this element is not taught by any of the other cited references.

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**BEST AVAILABLE COPY**Conclusions

In view of the amendments and remarks set forth in this Amendment and Response to Office Action, it is respectfully submitted that the Pending Application, including Claims 27 and 28, is in condition for allowance. Therefore, it is respectfully requested that the foregoing amendments be entered, and the Pending Application be allowed.

The Examiner is invited to contact the undersigned if such contact would in any way facilitate and expedite the prosecution of this application.

Respectfully submitted,

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